

10/521916

PTO/SB/92 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application No. (if known): 10/521916

Attorney Docket No.: 13111-00001-US

Certificate of Mailing under 37 CFR 1.8

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on

Oct. 27, 2005

Date

Jean M. Marshall
Signature

Jean M. Marshall

Typed or printed name of person signing Certificate

Registration Number, if applicable

(302) 658-9141

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected office (DO/EO/US) (2 pages)
 Copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected office (DO/EO/US) (2 pages)
 Combined Declaration and Power of Attorney (5 pages)
 English Translation of Annexes to IPEA Report (3 pages)
 Fee Transmittal (1 page)
 Charge \$130.00 to deposit account 03-2775
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Docket No.: 13111-00001-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Markus Matuschek et al.

Conf. No.: 6155

Application No.: 10/521916

Group Art Unit: N/A

Filed: January 20, 2005

Examiner: Not Yet Assigned

For: **PROCESS FOR THE BIOTRANSFORMATION
OF CAROTENOIDS**

**RESPONSE TO NOTIFICATION OF
MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the Untied States Designated/Elected office (DO/EO/US) filed September 15, 2005 (enclosed herewith), Applicant respectfully submits the following:

1. Combined Declaration and Power of Attorney; and
2. English translation of the Annexes of the International Preliminary Examination Report.

Because the translation of claims 1-19 was submitted within 30 months from the priority date, no additional fee for providing a late translation under 37 CFR 1.492(i) is believed due.

The English translation of the annexes to the IPER, namely claims 1-19, were presented in the application as originally filed on January 20, 2005. They were the English language

claims 1-19, identified by "PF 0000053791" in the top margin and "M/43191" in the bottom margin. The transmittal letter identified these claims under "Other items or information" as "Amended Sheets (claims 1-19); English Translation of Amended Sheets." Also, the Certificate of Express Mailing under 37 CFR 1.10 identified the translation of claims 1-19 as present in the package mailed to the U.S. PTO under "English Translation of Amended Sheets (claims 1-19)." However, to ensure compliance, Applicants enclose another copy of the amended claims herewith.

The only fee believed due is the \$130.00 surcharge for filing the declaration. Please charge that fee to our Deposit Account No. 03-2775, under Order No. 13111-00001-US. If Applicants are mistaken and further fees are due for the filing of this paper, please also charge those fees to Deposit Account No. 03-2775, under Order No. 13111-00001-US.

Dated: *October 27, 2005*

Respectfully submitted,

By Christine M. Hansen

Christine M. Hansen

Registration No.: 40,634

CONNOLLY BOVE LODGE & HUTZ LLP

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Attorney for Applicant

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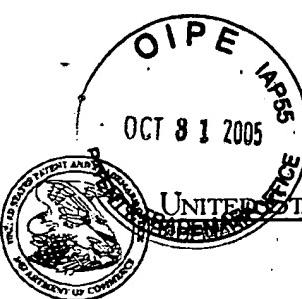
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<i>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</i>		Complete if Known	
FEE TRANSMITTAL For FY 2005		Application Number	10/521916
		Filing Date	January 20, 2005
		First Named Inventor	Markus Matuschek
		Examiner Name	Not Yet Assigned
		Art Unit	N/A
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		TOTAL AMOUNT OF PAYMENT (\$)	
130.00		Attorney Docket No. 13111-00001-US	

METHOD OF PAYMENT (check all that apply)					
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 03-2775 Deposit Account Name: Connolly Bove Lodge & Hutz LLP					
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)					
<input checked="" type="checkbox"/> Charge fee(s) indicated below			<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee		
<input type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17			<input checked="" type="checkbox"/> Credit any overpayments		

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____
2. EXCESS CLAIM FEES							
<u>Fee Description</u>							
Each claim over 20 (including Reissues) _____ 50 25							
Each independent claim over 3 (including Reissues) _____ 200 100							
Multiple dependent claims _____ 360 180							
<u>Total Claims</u> _____ <u>Extra Claims</u> _____ <u>Fee (\$)</u> _____ <u>Fee Paid (\$)</u> _____				<u>Multiple Dependent Claims</u>			
<u>Indep. Claims</u> _____ <u>Extra Claims</u> _____ <u>Fee (\$)</u> _____ <u>Fee Paid (\$)</u> _____							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<u>Total Sheets</u> _____ - 100 = _____		<u>Extra Sheets</u> _____ /50 _____		<u>Number of each additional 50 or fraction thereof</u> _____ (round up to a whole number) x _____		<u>Fee (\$)</u> _____	<u>Fee Paid (\$)</u> _____
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount) _____ 130.00							
Other (e.g., late filing surcharge): 1051 Surcharge-Late oath or declaration _____ 130.00							

SUBMITTED BY					
Signature	<i>Christine M. Hansen</i>		Registration No. (Attorney/Agent)	40,634	Telephone (302) 658-9141
Name (Print/Type)	Christine M. Hansen		Date <i>October 27, 2005</i>		



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
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 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/521,916	Markus Matuschek	13111-00001-US
INTERNATIONAL APPLICATION NO.		
PCT/EP03/08199		
IA. FILING DATE	PRIORITY DATE	
07/25/2003	07/26/2002	

23416
 CONNOLLY BOVE LODGE & HUTZ, LLP
 P O BOX 2207
 WILMINGTON, DE 19899

CONFIRMATION NO. 6155
371 FORMALITIES LETTER



OC000000017007393

Date Mailed: 09/15/2005

5007
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NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/20/2005
- English Translation of the IA filed on 01/20/2005
- Copy of the International Search Report filed on 01/20/2005
- Copy of IPE Report filed on 01/20/2005
- Preliminary Amendments filed on 04/29/2005
- Biochemical Sequence Diskette filed on 04/29/2005
- Biochemical Sequence Listing filed on 04/29/2005
- U.S. Basic National Fees filed on 01/20/2005
- Priority Documents filed on 01/20/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
 - Since you are amending the annexes to the IPER, claims 1 to 19, I need the English translation of claims 1 to 19 to process this application.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$260** for a Large Entity:

- **\$130** Surcharge.
- **\$130** for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,916	PCT/EP03/08199	13111-00001-US

FORM PCT/DO/EO/905 (371 Formalities Notice)